



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/620,442

07/17/2003

Youichi Sawachi

FSF-03381

2091

21254

7590

10/18/2007

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC

8321 OLD COURTHOUSE ROAD

SUITE 200

VIENNA, VA 22182-3817

EXAMINER

YODER III, CHRISS S

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

10/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/620,442

Applicant(s)

SAWACHI, YOUICHI

Examiner

Chriss S. Yoder, III

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US Patent # 5,721,579) in view of Umeyama (US Patent # 7,227,576).
2. In regard to **claim 1**, note Suzuki discloses the use of a digital camera comprising a photographing component for photographing a subject (column 9, lines 1-20 and figure 1), a setting component for setting whether or not generation of an intermediate image is to be carried out (column 20, lines 17-48 and figure 37: S3.13→S2.13; the transmitting side sets whether an intermediate image is created based on an area selection that is sent to the receiving side), an intermediate image generating component for generating, when intermediate image generation is set by the setting component, an intermediate image (column 20, lines 17-48 and figure 38: c2), and a storage component for storing an original image photographed by the photographing component and the generated intermediate image (column 10, lines 10-30 and figure 2c).

Therefore, it can be seen that Suzuki fails to explicitly disclose that the intermediate image has a resolution between an original image and a thumbnail image. Umeyama discloses the use of an intermediate image having a resolution between an

original image and a thumbnail image (column 7, lines 16-39 and figure 4). Umeyama teaches that the use of an intermediate image having a resolution between an original image and a thumbnail image is preferred in order to reduce the length of time required to display a clear image by loading the intermediate image rather than the full size image (column 10, lines 4-23). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Suzuki device such that the intermediate image has a resolution between the original image and a thumbnail image in order to reduce the length of time required to display a clear image by loading the intermediate image rather than the full size image, as suggested by Umeyama.

3. In regard to **claim 2**, note Suzuki discloses that the setting component sets the size of the intermediate image to be generated (column 18, lines 10-20 and figures 29-31).

4. In regard to **claim 3**, note the primary reference of Suzuki in view of Umeyama discloses the use of a digital camera that creates an intermediate image having a resolution smaller than the original image, as claimed in claim 1 above. Therefore, it can be seen that the primary reference of Suzuki in view of Umeyama fails to disclose that the intermediate image is $1/3$ the size of the original image. Official Notice is taken that the concepts and advantages of using of an intermediate image that is $1/3$ the size of an original image are notoriously well known and expected in the art in order to reduce the storage space required and increase transfer speeds. Therefore it would have been obvious to one of ordinary skill to modify the primary device such that the intermediate image is $1/3$ the size of the original image in order to reduce the storage

Art Unit: 2622

space required and increase transfer speeds while providing an image that is still recognizable to the user.

5. In regard to **claim 4**, note Suzuki discloses that the setting component sets whether or not generation of a thumbnail image is to be carried out, a thumbnail image generating component, for generating the thumbnail image when thumbnail image generation is set by the setting component, is disposed, and the storage component stores the generated thumbnail image (column 13, line 47 – column 14, line 54 and figure 38: a2).

6. In regard to **claim 5**, note Suzuki discloses that the setting component sets the size of the thumbnail image to be generated (column 14, lines 55-67).

7. In regard to **claim 6**, note Suzuki discloses that the thumbnail image is generated by sampling pixels at predetermined intervals (column 14, lines 19-23).

8. In regard to **claim 7**, note Suzuki discloses that the thumbnail image is generated using an image reduction algorithm (column 14, lines 45-52).

9. In regard to **claim 8**, note Suzuki discloses the use of a photographing system comprising a digital camera (column 9, lines 1-20 and figure 1) and a personal computer (column 9, lines 60-67), wherein the digital camera includes a photographing component for photographing a subject (column 9, lines 4-7), a setting component for setting whether or not to generation of an intermediate image is to be carried out (column 20, lines 17-48 and figure 37: S313→S213; the transmitting side sets whether an intermediate image is created based on an area selection that is sent to the receiving side), an intermediate image generating component for generating, when intermediate

Art Unit: 2622

image generation is set by the setting component, an intermediate image (column 20, lines 17-48 and figure 38: c2), a storage component for storing an original image photographed by the photographing component and the generated intermediate image (column 10, lines 10-30 and figure 2c), and a communicating component for communicating with the personal computer (column 19, lines 58-62), and the personal computer sets the setting component via the communicating component (column 20, lines 17-48 and figure 38: b2; the transmitting side sets whether an intermediate image is created based on an area selection that is sent to the receiving side).

Therefore, it can be seen that Suzuki fails to explicitly disclose that the intermediate image has a resolution between an original image and a thumbnail image. Umeyama discloses the use of an intermediate image having a resolution between an original image and a thumbnail image (column 7, lines 16-39 and figure 4). Umeyama teaches that the use of an intermediate image having a resolution between an original image and a thumbnail image is preferred in order to reduce the length of time required to display a clear image by loading the intermediate image rather than the full size image (column 10, lines 4-23). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Suzuki device such that the intermediate image has a resolution between the original image and a thumbnail image in order to reduce the length of time required to display a clear image by loading the intermediate image rather than the full size image, as suggested by Umeyama.

10. In regard to **claim 9**, note Suzuki discloses that the setting component sets the size of the intermediate image to be generated (column 18, lines 10-20 and figures 29-31).

11. In regard to **claim 10**, note the primary reference of Suzuki in view of Umeyama discloses the use of a photographing system that creates an intermediate image having a resolution smaller than the original image, as claimed in claim 8 above. Therefore, it can be seen that the primary reference of Suzuki in view of Umeyama fails to disclose that the intermediate image is $1/3$ the size of the original image. Official Notice is taken that the concepts and advantages of using of an intermediate image that is $1/3$ the size of an original image are notoriously well known and expected in the art in order to reduce the storage space required and increase transfer speeds. Therefore it would have been obvious to one of ordinary skill to modify the primary device such that the intermediate image is $1/3$ the size of the original image in order to reduce the storage space required and increase transfer speeds while providing an image that is still recognizable to the user.

12. In regard to **claim 11**, note Suzuki discloses that the setting component sets whether or not generation of a thumbnail image is to be carried out, a thumbnail image generating component, for generating the thumbnail image when thumbnail image generation is set by the setting component, is disposed in the digital camera, and the storage component stores the generated thumbnail image (column 13, line 47 – column 14, line 54 and figure 38: a2).

Art Unit: 2622

13. In regard to **claim 12**, note Suzuki discloses that the setting component sets the size of the thumbnail image to be generated (column 14, lines 55-67).

14. In regard to **claim 13**, note Suzuki discloses that the thumbnail image is generated by sampling pixels at predetermined intervals (column 14, lines 19-23).

15. In regard to **claims 14-20**, these are method claims, corresponding to the apparatus in claims 1-7, respectively. Therefore, claims 14-20 have been analyzed and rejected as previously discussed with respect claims 1-7.

16. In regard to **claim 16**, this is a method claim, corresponding to the apparatus in claim 3. Therefore, claim 16 has been analyzed and rejected as previously discussed with respect claim 3.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US005068805: note an image capture device outputting a reduced image.

US007221392B2: note an image capture device outputting a reduced image.

US 20010041014 A1: note the use of an image capture device outputting multiple resolutions.

US006137534A: note the use of an image capture device outputting multiple resolutions.

US 20010002142A1: note an image capture device outputting a reduced image.

US006661451B1: note an image capture device outputting a reduced image.

Art Unit: 2622

US007173660B2: note an image capture device outputting a reduced image.

US005973734A: note the use of an image capture device outputting multiple resolutions.

US 20030218682A1: note an image capture device outputting a reduced image.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chriss S. Yoder, III whose telephone number is (571) 272-7323. The examiner can normally be reached on M-F: 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CSY

Application/Control Number: 10/620,442

Page 9

Art Unit: 2622

October 9, 2007

A handwritten signature in black ink, appearing to read 'Lin Ye', with a stylized flourish at the end.

LIN YE
SUPERVISORY PATENT EXAMINER